Response to Arguments

1. Applicant's arguments filed 01/06/2010 have been fully considered but they are not persuasive.

Examiner's response:

2. Applicant argues that Bernardi fails to teach or suggest adding any graphic to the sensed image. The Examiner respectfully disagrees. Bernardi teaches that the user operates the camera and hand writes the messages or data to be printed on a special card for each image frame. The special card 60 is forwarded with the film strip and cartridge to the photofinisher, where the card 60 is put into the optical character recognition unit and scanned. The scanned message is converted to a format that can be printed, and the printer 43 prints the message as described above. It would be obvious to one skilled in the art to print any kind of messages or data containing clip art onto the image depending upon the desire of the user since Bernardi clearly teaches that the user hand writes the messages onto the memory card (col. 10 lines 12-43, figure 8).

3. Applicant argues that in Bernardi, the original sensed image is unchanged and does not add decorative clip art graphics that have a correlation to the auto exposure setting of the digital camera since the annotations of Bernardi are recorded voice messages, transcribed into text. The Examiner respectfully disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In this case, Ota already teaches adding exposure specific graphics to the image. Bernardi teaches that the user operates the camera and hand writes the messages or data to be printed on a special card for each image frame. Therefore the messages are handwritten by the user and not just voice and it would be obvious to one skilled in the art to print any kind of messages or data containing clip art onto the image depending upon the desire of the user since Bernardi clearly teaches that the user hand writes the messages onto the memory card (col. 10 lines 12-43, figure 8). Furthermore, the word "decorate" means to add something to so as make more attractive and "graphic" is at least any data in the form of a picture or image, encompassing more than simply alphanumeric images/representations. According to one skilled in the art adding any kind of messages or images makes the image not only informative but also decorative since this is in the eyes of the person looking at the image. Therefore the adding of image information is informational as well as decorative.

In a nutshell, Ota adds exposure specific graphics into a sensed image and Bernardi teaches the user operates the camera and hand writes the messages or data to be printed on a special card for each image frame. Therefore the messages are handwritten by the user and not just voice and it would be obvious to one skilled in the art to print any kind of messages or data containing clip art onto the image depending upon the desire of the user. Therefore the claimed limitations are taught in the combination of Ota and Bernardi.

4. Applicant argues with regards to claim 2 Bernardi fails to teach image manipulation instructions be printed on the card. Examiner disagrees with the applicant. Thorpe, teaches the main part of the invention wherein the image control operations are written in the memory card (See Pages 22-24, figures 13-16). The camera functions as explained in figure 13 are image

control operation, technical alignment including camera set up etc. Bernardi is merely used to teach that any kind of text or images are printed on the memory card. Instead of being printed in the memory card. According to one skilled in the art adding any kind of messages or image manipulation instructions are able to be handwritten. The image manipulation instructions are therefore being taught by Thorpe written in the memory card.

The step of executing one or more of the image manipulation instructions in accordance with an auto exposure setting of the camera to add exposure specific decorative graphics to said image is being taught in the combination of references as argued above.

5. Applicant argues that the decoration is objective and not subjective. The word subjective means something produced by the mind or a particular state of mind of a thinking person as defined in Merriam Webster's dictionary. According to this definition, the decoration is considered to be a subjective phenomenon, since a piece of decoration for one person may not be decorative for another.

6. Applicant's addition to the specification is entered and the 112 rejection is being withdrawn.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ota (US Patent # 6,201,571) in view of Bernardi et al. (US Patent # 5,692,225).

[Claim 1]

Ota teaches a method of image enhancement of a sensed image taken with a digital camera, including an auto exposure setting means, said method comprising the step of utilizing the auto exposure setting from said auto exposure setting means to process said sensed image to add exposure specific graphics to said image which indicate the exposure settings utilized by the digital camera in taking the sensed image (col. 5, lines 9-20; col. 5, line 61 – col. 7, line 11; Fig. 4; col. 8, l. 6- col. 9, l. 25; Fig. 5, The reduced image is considered a sensed image since it has the same subject matter and just a smaller version of it. Therefore the exposure graphics are added to the sensed reduced image since reduced image is part of the sensed image being of the same subject matter and only a smaller version of it. The word "decorate" means to add something to so as make more attractive and “graphic” is at least any data in the form of a picture or image, encompassing more than simply alphanumeric images/representations. According to one skilled in the art adding any kind of messages or images makes the image not only informative but also decorative since this is in the eyes of the person looking at the image. Therefore the adding of image information is informational as well as decorative). Ota fails to teach a decorative clipart being added to the image. However Bernardi teaches that the user operates the camera and hand writes the messages or data to be printed on a special card for each image frame. The special card 60 is forwarded with the film strip and cartridge to the photofinisher, where the card 60 is put into the optical character recognition unit and scanned. The scanned message is converted to a format that can be printed, and the printer 43 prints the message as described above. It would be obvious to one skilled in the art to print any kind of messages or data containing clip art onto the image depending upon the desire of the user since

Bernardi clearly teaches that the user hand writes the messages onto the memory card (col. 10 lines 12-43, figure 8). Therefore taking the combined teachings of Ota and Bernardi, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have any kind of decorative clip art, messages be printed on the memory card and to be annotating on the image so that the retrieval, recognition of words and printing of word annotation on the associated print be carried out (col. 4 lines 23-26).

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ota (US Patent # 6,201,571) in view of The All-Digital Camcorder- The Arrival of Electronic Cinematography (Laurence Thorpe et al.) and further in view of Bernardi et al. (US Patent # 5,692,225).

[Claim 2]

Ota teaches a method of processing a sensed image taken with a digital camera, the method comprising the steps of executing one or more of the image manipulation instructions in accordance with an auto exposure setting of the camera to add exposure specific decorative graphics to said image (col. 5, lines 9-20; col. 5, line 61 – col. 7, line 11; Fig. 4; col. 8, l. 6- col. 9, l. 25; Fig. 5. The word "decorate" means to add something to so as make more attractive and “graphic” is at least any data in the form of a picture or image, encompassing more than simply alphanumeric images/representations. According to one skilled in the art adding any kind of messages or images makes the image not only informative but also decorative since this is in the eyes of the person looking at the image. Therefore the adding of image information is informational as well as decorative). Ota fails to teach a method of inserting into the digital camera a card having printed on a surface thereof a plurality of image manipulation instructions; reading the card to determine the image manipulation instructions. However Thorpe teaches a

camera wherein a setup card (memory card as shown in figure 15) is used to store particular shooting experiences to achieve a particular look sought by the photographer. This card is inserted into multiple cameras so that a particular look can be instantly and precisely customized to a desired imagery merely by substituting the memory card into a camera (See Pages 22-24, figures 13-16). The camera functions as explained in figure 13 are image control operation, technical alignment including camera set up etc. Therefore taking the combined teachings of Ota and Thorpe, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have of inserting into the digital camera a card having printed on a surface thereof a plurality of image manipulation instructions; reading the card to determine the image manipulation instructions so that a particular look can be instantly and precisely customized to a desired imagery merely by substituting the memory card into a camera (See Pages 22-24, figures 13-16).

Ota in view of Thorpe fails to teach printing on the memory card. However Bernardi teaches that the user operates the camera and hand writes the messages or data to be printed on a special card for each image frame. The special card 60 is forwarded with the film strip and cartridge to the photofinisher, where the card 60 is put into the optical character recognition unit and scanned. The scanned message is converted to a format that can be printed, and the printer 43 prints the message as described above. It would be obvious to one skilled in the art to print any kind of messages or image manipulation instructions onto the memory card depending upon the desire of the user since Bernardi clearly teaches that the user hand writes the messages onto the memory card (col. 10 lines 12-43, figure 8). Therefore taking the combined teachings of Ota, Thorpe and Bernardi, it would be obvious to one skilled in the art at the time of the invention to

have been motivated to have any image manipulation instructions as taught in Thorpe be printed on the memory card as taught in Bernardi so that the retrieval, recognition of words and printing of word annotation on the associated print be carried out (col. 4 lines 23-26).

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
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> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by Ota (US Patent # 6,201,571).

[Claim 3]

12. A method of processing a sensed image taken with a digital camera having an auto exposure setting means, said method comprising the steps of: selecting a decorative graphic for insertion into the sensed image; and inserting the decorative graphic into the sensed image, wherein the step of selecting the decorative graphic determines an auto exposure setting used by the digital camera in taking the sensed image, and uses the determined auto exposure setting to select the decorative graphic. (col. 5, lines 9-20; col. 5, line 61 – col. 7, line 11; Fig. 4; col. 8, l. 6- col. 9, l. 25; Fig. 5, The reduced image is considered a sensed image since it has the same subject matter and just a smaller version of it. Therefore the exposure graphics are added to the sensed reduced image since reduced image is part of the sensed image being of the same subject matter and only a smaller version of it, the word "decorate" means to add something to so as

make more attractive and "graphic" is at least any data in the form of a picture or image, encompassing more than simply alphanumeric images/representations. According to one skilled in the art adding any kind of messages or images makes the image not only informative but also decorative since this is in the eyes of the person looking at the image. Therefore the adding of image information is informational as well as decorative. The word subjective means something produced by the mind or a particular state of mind or of a thinking person as defined in Merriam Webster's dictionary. According to this definition, the decoration is a subjective phenomenon, since a piece of decoration for one person may not be decorative for another).

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH K. AGGARWAL whose telephone number is (571)272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogesh K Aggarwal/
Primary Examiner, Art Unit 2622